IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
NOTICE OF MOTION NO.140 OF 2005
IN
PETITION NO.55 OF 1996

Re: Harikishan Keshavadas And Ors. ..Insolvents.

Ex-parte:

Bank of Baroda ..Petitioning Creditor.

Mr.Harkishan Keshavdas Kothari &
Mrs.Prafulla Harkishan Kothari ...Applicants
(Insolvent Nos.1 & 2)
V/s.

The Official Assignee High Court,
Bombay ..Respondents.

Mrs.Jayshree Kurup i/b Mrs.J.V.Vyas Advocate for Insolvents No.1 & 2.
Mr.P.V.Shah for Petitioning Creditors.
Mr.Y.C.Parikh, Official Assignee present in person.

CORAM: A.S.Aguiar, J.
DATE : 6th September, 2005.
P.C.:

1. Insolvents by this Motion pray that their Passports bearing No.M122243 be returned to them as they are required to go to the Singapore for the delivery of their daughter’s child which is expected sometime in September, 2005.

2. The learned Advocate for the Judgment Creditor states that he has no instructions.

3. The Official Assignee has no objection to the

Application being granted on same conditions as mentioned in the order dated 9th April, 1999 in the same matter .

4. A Well Wisher of the Insolvents has undertaken to deposit sum of Rs.1 lakh with the Official Assignee before they leave for their destination. Amount so deposited to be invested by Official Assignee in any Nationalised Bank. Notice of Motion made absolute in terms of Prayer clause (a) and (b) as follows:

(a) The Respondent No.1 is directed to release the Passports No.M/122243 of Insolvent No.1 and Passport No.A 6060045 of Insolvent No.2 in the above matter;

(b) That Applicants/Insolvents No.1 and 2 are permitted to leave India to take care of their daughter who is expecting her second child and their granddaughter at Singapore from September 2005 for six months period to take care of their daughter and granddaughter;

5. In the event of the said Insolvents failing to return to the India and to report to the Official Assignee by 28th February, 2006 and to return their passports. the amount of Rs.1 lac deposited shall stand forefeited.

6. Official Assignee to act on the copy of the order authenticated by the Insolvency Registrar.

7. Motion stands disposed of with No order as to costs.

(A.S.AGUIAR,J.)